United Nations A/C.3/58/SR.29

General Assembly
Fifty-eighth session
Official Records

Distr.: General
25 May 2004
English
Original: French

Third Committee

Summary record of the 29th meeting
Held at Headquarters, New York, on Monday, 31 October 2003, at 10 a.m.

Chairman: Mr. Maertens ..... (Belgium)

Contents

Agenda item 115: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination

(b) Comprehensive implementation of and follow-up of the Durban Declaration and Programme of Action

Agenda item 116: Right of peoples to self-determination (*continued*)

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In the absence of Mr. Belinga-Eboutou (Cameroon), Mr. Maertens (Belgium), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 115: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (A/58/3, A/58/18, A/58/80-E/2003/71 and A/58/313)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/58/324 and A/58/331)

Agenda item 116: Right of peoples to self-determination (*continued*) (A/58/115 and A/58/180)

1. **Ms. Granda Averhoff** (Cuba), speaking on agenda item 116, said that the interference and interventionist tactics of some States were the most serious threat to the peoples' right to self-determination since the beginning of decolonization and impaired the United Nations' ability to prevent wars. The fact that positions of strength and unilateral political decisions governed international relations was intolerable. Cuba shared the concerns of many delegations that condemned the illegal occupation of Arab territories, particularly Palestine, by Israel and the escalation of violence against the heroic Palestinian people. The sovereign right of the Palestinians to self-determination and to an independent State with East Jerusalem as its capital had been recognized by the United Nations 50 years earlier but was still denied.

2. Cuba was claiming the inalienable right to exercise its sovereignty over the part of its national territory still occupied by the American naval base of Guantanamo against the will of the Cuban people. The Puerto Rican people was still unable to exercise its right to self-determination and independence, although the Decolonisation Committee had recognized that right in numerous resolutions adopted since 1972.

3. The Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination had reported that the intelligence services of some States had employed mercenaries to destabilize legitimate governments, stage coups d'état, participate in border and ethnic conflicts, create tensions and provoke armed conflicts serving their petty interests. Unscrupulous politicians, ethnic factions and private enterprises depleting natural resources had also used mercenaries. Many surveys and studies had identified clear linkages between the use of mercenaries, terrorism, arms- and drugs-trafficking and other organized crime activities. It was therefore necessary to strengthen the international mechanisms of combating mercenary practices. In that connection, Cuba suggested that the General Assembly should request the Commission on Human Rights to renew the mandate of the Special Rapporteur - to whom the Cuban delegation paid tribute, particularly for the formulation of a comprehensive legal definition of a mercenary. Cuba also suggested that discussions should be held between, on the one hand, the Member States, as a whole, of the United Nations and, on the other hand, the States that were parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries with a view to amending that Convention.

4. For more than 40 years, the Cuban people had been a victim of mercenary activities directed against the country's sovereignty, territorial integrity and economic and social well-being. Many of those activities had been encouraged, organized and funded with impunity from within the United States territory. The terrorist Mafia of Cuban extraction based at Miami, Florida (United States) was attempting to thwart legal proceedings conducted against four terrorist mercenaries guilty of countless crimes against the Cuban people and currently incarcerated for organizing an attempt to assassinate the President of the Republic of Cuba. One of them had also been responsible for the explosion of a Cuban civilian aircraft in flight, causing the death of 73 passengers and crew, and for the 1997 terrorist attacks in Havana that the Special Rapporteur had referred to in his statement. Cuba hoped that justice would be done and the terrorists would receive the sentences that they deserved.

5. **Ms. Tomar** (India) associated her delegation with the statement made by Morocco on behalf of the group of 77 and China under agenda item 115. She stressed that the battle against racism could be won only if each State tried to change thought-processes and attitudes within society, enacted and implemented stringent

national laws and set up competent independent national bodies.

6. The representative of India appreciated the work of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, but was concerned over some of the ideas expressed in paragraphs 8 and 12 of the report (A/58/313). In countries where thousands of lives had been lost in terrorist attacks, combating terrorism was no pretext but a prerequisite for protecting human rights, principally the right to life.

7. In view of global technological advancements beneficial to terrorists and the evident international nature of terrorism, special care should be taken to ensure that global efforts at combating terrorism were not undermined by seeking to protect the human rights of terrorists rather than those of their victims.

8. The representative of Pakistan had used his statement on the agenda items considered to vilify and denigrate India's institutions of democratic governance. That should perhaps have been expected from people with experience and traditions alien to the democratic spirit, who spared no effort to disparage and defame democracy, democratic traditions and democratic institutions, particularly those of a successful democracy. After all, the genetic make-up of military regimes, with its characteristic whimsicality, unaccountability and tendency towards self-perpetuation, would admit no better system. Observers and students of that society would have much to say about its sectarian violence and constitutionally condoned discrimination against minorities, including even many Muslim sects. To formulate policies in a spirit of "enlightened moderation", Pakistan would first have to demonstrate that a polity where the armed forces controlled civilians rather than the opposite, as in democracy, was capable of such a spirit in dealing with serious social and human rights issues.

9. The Indian delegation appreciated the work of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination, particularly in connection with the legal definition of a "mercenary". India subscribed to the observations made by the Secretary-General in his message of 20 May 2003 and recalled that it had played a leading role in the historic struggle for decolonization and in the movement to secure the right of all peoples to self-determination. With regard to Palestine, India expressed its unwavering support for and solidarity with the Palestinian people in their struggle to exercise their inalienable rights, including the right to self-determination; reiterated its support for the peace process and the Quartet's roadmap for a permanent settlement of the Israeli-Palestinian conflict; and stressed that the international community should ensure that the legitimate freedom struggle of the Palestinian people was not undermined by being equated to terrorist and insurgent activities.

10. **Mr. Tekin** (Turkey) noted that two years after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban and despite ongoing efforts at various levels, racism, racial discrimination, xenophobia and intolerance persisted in varying forms throughout the world.

11. Migrants, students, refugees and ethnic, cultural or religious minorities were victims of racism and xenophobia. It was alarming that anti-Semitism and Islamophobia had spread considerably in the societies and media of some countries, particularly after the 11 September 2001 attacks. No discrimination could be justified by the legitimate struggle against terrorism. The growing misuse of the Internet by racist groups to circulate their heinous ideas was also an object of concern and appropriate regulatory and legal measures should be adopted urgently.

12. Racism and discriminatory phenomena should be combated under the Durban Declaration and Programme of Action at both national and international levels. Turkey agreed with the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance that the follow-up to the Durban Conference should be based on a twofold strategy: strengthening and implementing legal instruments and studying and eliminating the deep roots of racial discrimination.

13. At the national level, it was indispensable to mobilize each State's political will and legal instruments in the fight against racism. It was also very important to actively engage civil society and the media in that effort and to encourage inter-religious and intercultural dialogue.

14. Turkey, the home to numerous cultures and religions in the past, intended to continue combating racism, racial discrimination, xenophobia and related intolerance in order to build a future where peace, diversity, equality, tolerance and mutual respect would prevail.

15. **Mr. Akram** (Pakistan), speaking on agenda item 116, recalled that Pakistan and India had gained independence on 14 and 15 August 1947 by virtue of the right to self-determination. The first Indian-Pakistani conflict had broken out a little later, caused by the occupation of the Jammu-and-Kashmir area. Following that conflict, the Security Council had adopted resolutions 47 (1948) and 80 (1950), according to which "the final disposition of the State of Jammu-and-Kashmir" should "be made in accordance with the will of the people, expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations". India, however, had since refused to allow that plebiscite to take place and continued to occupy Jammu-and-Kashmir, where it brutally repressed all manifestations of opposition. The latest Kashmiri struggle for freedom had been under way for over 13 years. An Indian occupation army of 700,000 maintained India's hold on Kashmir, violating every human right. More than 80,000 Kashmiris had been killed and thousands remained incarcerated, subjected to arbitrary arrests, torture and rape.

16. In a troubled world context, India tried to undermine the legitimacy of the Kashmiri freedom struggle by describing it as terrorism. India had attributed its own failure to suppress the Kashmiri freedom to Pakistani support for the Kashmiris. Their struggle for implementation of the Security Council resolutions and their resistance to military occupation could not be denigrated as terrorism. On the contrary, it was India that engaged in state terrorism as a means of consolidating its hold on Kashmir and establishing its hegemony over all South Asia.

17. When in 2002 India had partially withdrawn its forces from the border, Pakistan had reciprocated. The Indian forces, however, had failed to relinquish their positions along the line of control. Moreover, India had continued and even intensified its repression against the Kashmiri people, refusing to resume dialogue with Pakistan despite the agreement reached in 1997 between the two countries on the agenda and mechanisms for a bilateral dialogue.

18. In view of the threat posed by India, the Pakistani Prime Minister had telephoned on 16 May 2003 the Indian Prime Minister to suggest practical steps to improve the ambiance and ensure an early resumption of the dialogue. His proposals had met no reciprocation.

19. On 23 September 2003, in his address to the General Assembly, the President of Pakistan had proposed an action plan to address the Kashmir issue and promote peace, suggesting a sustained dialogue aimed at finding a solution that would be acceptable to Pakistan, India and Kashmir; a complete cease-fire along the line of control; a comprehensive end of violence in Kashmir, involving reciprocal obligations on Indian occupation forces and on the Kashmir Freedom Movement; deployment of a mechanism for monitoring infiltration across the line of control, possibly by enlarging the United Nations Military Observer Group in India and Pakistan (UNMOGIP); and measures to ensure mutual nuclear restraint and conventional arms balance for sustainable security in South Asia. India had not responded positively to those proposals.

20. However, under international pressure, India had recently proposed a series of confidence-building measures covering a broad range (in particular, air and rail links, bus services, sports exchanges, visas, and enlarged diplomatic delegations in both capitals). Pakistan had responded positively to those proposals, most of which had been advanced by Pakistan earlier.

21. Pakistan welcomed in particular any suggestion that brought together the divided Kashmiri population, recognizing its identity and aspirations. However, because of the contested status of Jammu-and-Kashmir and mistrust between India and Pakistan, Pakistan believed that the points where the bus service would cross the control line should be monitored by the United Nations, perhaps through UNMOGIP.

22. Moreover, Pakistan had proposed to offer scholarships to Kashmiri students, treat disabled Kashmiris and provide financial assistance to Kashmiri widows and victims of rape or torture. Pakistan, deeply concerned over the destiny of the Kashmiri people, hoped that India would respond positively to those proposals, whose implementation could be monitored by impartial international organizations, including the United Nations.

23. It was disappointing that India had not responded to the proposals of the Pakistani President for resuming dialogue, which would help to build confidence, halt the killing in Kashmir and ease the tensions.

24. For confidence-building measures to be fully implemented and then expanded, India and Pakistan should engage in sustained dialogue and show resolve. To create a climate conducive to easing tensions, India should halt its repression in Kashmir.

25. By virtue of the relevant Security Council resolutions, the United Nations had a special responsibility to promote a just and peaceful solution to the problem of Jammu-and-Kashmir, the exercise of that region's right to self-determination and a durable peace and security in South Asia.

26. **Ms. Sriphiromya** (Thailand), referring to agenda item 115, stated that the complexities of globalization had given rise to an increase in intolerance, racism and racial discrimination and shared the Special Rapporteur's concern over contemporary manifestations of those scourges through information technology and their extension into such areas as sports.

27. An appropriate comprehensive framework, the Durban Declaration and Programme of Action, was available to the international community. What was therefore needed was the political will to implement those instruments and to promote mutual respect and understanding among multicultural societies. In that spirit, Thailand had acceded on 28 January 2003 to the International Convention on the Elimination of All Forms of Racial Discrimination and was resolved to transform its commitment into specific activities.

28. The Constitution of Thailand guaranteed that all persons were equal before the law and proscribed all forms of discrimination. The Thai Government, whose goal was a peaceful and harmonious society, and the entire Thai society respected religious freedom indiscriminately and promoted a culture of tolerance through non-discriminatory education offered inter alia to children of hill tribes or without nationality.

29. As a founding member of a Human Security Network, Thailand would continue to implement the medium-term work programme of the network concerning human rights education.

30. Health care – particularly the national health scheme for preventing and treating major infectious diseases, especially malaria, tuberculosis and HIV/AIDS – was provided, despite the country's limited resources, to vulnerable migrants indiscriminately and regardless of their legal status. Thailand had launched a regularization programme for illegal workers and thanked the international community and various international and non-governmental organizations for their valuable support.

31. **Mr. Schurti** (Liechtenstein) recalled that his country had ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 2000 and had presented its first report to the Committee on the Elimination of All Forms of Racial Discrimination in the spring of 2002. In the spring of 2003, the Parliament had enacted legislation enabling Liechtenstein to recognize the competence of the Committee to receive and examine communications under Article 14 of the Convention. Liechtenstein's Supreme Court would in the future accept relevant communications in the first instance, according to an amendment to the law on the Supreme Court which was before Parliament in its current (November 2003) session.

32. As a follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban, Liechtenstein had established a working group to formulate and implement a national action plan. The plan was based on the Durban Declaration and Programme of Action and drew heavily on the feedback received from the Committee on the country's first report and the recommendations made by the European Commission against Racism and Intolerance (ECRI) after its visit to the country in 2002. The working group was currently focusing on measures raising awareness of racism, particularly among young people. Human rights classes were held for civil servants, police officers in particular. For 2004 and subsequent years, the national action plan focused on the formulation and implementation of a comprehensive integration programme.

33. Since 34 percent of Liechtenstein's resident population consisted of 80 different nationalities and 60 percent of all jobs in Liechtenstein's economy were held by non-Liechtenstein nationals, integration was of key importance. The absence of a political party with a xenophobic agenda, the rural character of the country and the lack of major settlements had helped to prevent

forms of segregation of immigrant groups in specific neighbourhoods. Although there had been incidents of xenophobic activities in the 1990s, an expert panel on right-wing extremism, set up by the police, had addressed the issue. It had been wound up in 2001, when racist activities had ceased to be reported.

34. Liechtenstein believed that the prosecution of violations and the prevention of discriminatory, xenophobic or racist activities was very important and that the right to self-determination merited closer attention in the debates of the Third Committee. That right should no longer be narrowly seen as synonymous with independence in the context of decolonization: the concept needed reform and a new instrument should be produced to empower communities to pursue integration and conflict prevention. Self-determination was an integrative rather than a centrifugal force.

35. **Mr. Chedid** (Lebanon) concurred with the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance that the follow-up to the Durban Conference should be based on a twofold strategy, including legal and political action to strengthen the implementation of the international legal instruments and a study of the cultural, mental and moral roots of racism and racial discrimination. A study, by the Special Rapporteur, of the situation of the Muslim and Arab populations in the world and of the political agendas that incited to racial discrimination would therefore be welcome. The Lebanese delegation shared the Special Rapporteur's concern over the fact that, under the pretext of combating terrorism, some States adopted laws detrimental to human rights.

36. Referring to resolution 57/195 of the General Assembly, the representative of Lebanon expressed grave concern over the activities of groups using new communication technologies (particularly the Internet) to kindle hatred and violence against Islam.

37. The resolutions adopted by the General Assembly subsequent to resolution 1514 (XV) and the two International Covenants on human rights reaffirmed the legitimacy of a people's combat against foreign occupation. In the context of the Middle East, the occupation of Arab territories, colonization, Israel's construction of the wall, its refusal to implement the resolutions adopted by the international community over the last 50 years, the siege of Palestinian settlements and the daily killing of Palestinian civilians – elements of an organized state terrorism that the region was experiencing – constituted blatant racism and aimed at depriving the Palestinian population of its land and expelling it from its own country.

38. **Mr. Tekle** (Eritrea), speaking on agenda item 115, associated his delegation to the statement made by Morocco on behalf of the Group of 77 and China and wished to supplement it with some observations.

39. Two years after the World Conference of Durban – yet another milestone toward a world of peaceful coexistence and tolerance – Eritrea was cognizant of the impossibility to immediately eliminate racism and discriminatory phenomena but also of the need for the international community to translate its commitments into expeditious action to win the war against those evils.

40. In addition to well-known phenomena, that the States were resolved to combat, racism currently appeared under new and more subtle forms that, like its traditional manifestations, undermined democracy, development and peace; and turned power elites into promoters of aggressive policies of hegemonism that disregarded international law and the principles enshrined in all international instruments relative to human rights.

41. In view of its long struggle for national liberation, democracy and human rights, any form of discrimination was anathema to the Eritrean people. The new Eritrean state had been born and was developing in line with its constitutional principles of unity, equality, harmony and tolerance, which also applied to foreigners. The same principles covered Eritrea's national policy and foreign relations.

42. Racism, discrimination and exclusion transcended the national framework and had regional and international ramifications. Consequently, effective remedies to those ills should be sought at all levels of human interaction.

43. **Ms. Rasheed** (Observer for Palestine), speaking on agenda item 116, recalled the definition of the right to self-determination, described the achievement of self-determination and independence by many nations as one of the past century's most important accomplishments and said that the eradication of

various forms of colonization, subjugation, alien domination and foreign occupation had given rise to the principles of equality and justice in the world.

44. Despite those significant attainments, peace, stability and democracy continued to be threatened by the existence of new forms of colonization, discrimination and injustice that the international community should endeavour to eradicate. Palestine's occupation since 1967 remained one of the worst forms of colonization in modern history. It was regrettable that, in an age of almost complete decolonization, the Palestinian people continued to be victims of colonialism, racism and oppression. For more than three decades, they had been subjected to a serious situation resulting from an inhumane occupation that robbed them, in violation of the United Nations Charter and many human rights international instruments, of all their rights and liberties, including their national identity on their own land and their right to self-determination, reaffirmed in the declarations and plans of action of several international conferences and special sessions.

45. Every year that passed, the Palestinian people's suffering and misery exacerbated the already destitute living conditions that they faced. That situation affected peace and security not only in the region but also in the entire world. To terminate that situation definitively, it was necessary to address the core issue of the Palestinian people's right to self-determination. Enjoyment of that right was essential to establishing a lasting peace in the Middle East. At the current critical time, it was necessary for the international community to recognize the right of the Palestinian people, like those of any other nation, to self-determination. The Palestinians were entitled to an independent State with East Jerusalem as its capital.

46. The refusal by Israel to recognize that right was illustrated by such repressive practices as building illegal colonial settlements, erecting an expansionist wall, isolating areas in the occupied territory and confiscating land, which constituted flagrant violations of international law and relevant United Nations resolutions. Since September 2000, the Israeli forces had been waging a bloody military campaign against Palestinian civilians throughout the Occupied Palestinian Territory, including East Jerusalem. Deploying the full force of their arsenal, they had killed more than 2,600 and injured more than 40,000 Palestinians, many of whom had become disabled for life.

47. To achieve their aspiration to exercise their inalienable rights and live in peace and dignity and despite the pain caused by the Israeli occupation, the Palestinian people had made historical compromises. But they would never succumb to oppression, violence, cruelty and injustice. Nothing could make them relinquish their legitimate struggle for freedom and independence against the occupant. The Palestinians would continue to hold steadfast to their inalienable rights and to believe in the day when Palestine would be a Member State of the United Nations. The international community should put an end to the occupation and to all of Israel's illegal practices of and not take refuge in neutrality, a stance that was untenable in the struggle against oppression, injustice and colonialism. The international community's support for the struggle of the Palestinians for dignity, equality, freedom and justice would be an act of collective affirmation on behalf of humanity as a whole.

48. **Ms. Salah Ghanmi** (Tunisia) recalled that his country had ratified the international instruments concerning the combat against racism and xenophobia and that it had hosted in 1995 the Regional Conference on a Pedagogic Approach to Tolerance in the Mediterranean Basin, followed by the adoption of the Carthage Charter on Tolerance in the Mediterranean. Moreover, in 2005 Tunisia would host the second phase of the World Summit on the Information Society (WSIS) which would consider ways of reducing the digital divide and transforming it into digital solidarity.

49. Tunisia had been keenly interested in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban. It had always tried to promote tolerance and solidarity and to defend respect for diversity. It had also adopted a global approach to development and endeavoured to preserve the dignity and the civil, political, economic, social and cultural rights of all citizens.

50. Tunisia planned to set up a national solidarity fund, since solidarity was indispensable in the framework of the fight against poverty and marginalization, frequently the causes for racism and xenophobia. The President of Tunisia had proposed the establishment of a world solidarity fund aimed at

poverty eradication and combating racism, xenophobia and intolerance.

51. In the Middle East, the situation deteriorated because of Israeli aggression against the Palestinian people, Israel's about-face in the peace process and failure to fulfil its commitments. The international community should take steps to protect the Palestinian people and lay the foundations for a resumption of negotiations with a view to ensuring peace and stability in the entire region.

52. For an equitable, comprehensive and sustainable peace to be established in the Middle East, the Palestinian people should be reinstated in its rights and an independent State should be set up with Al Qods Al Sharif as its capital.

Statements in exercise of the right of reply

53. **Mr. Gba** (Côte d'Ivoire), replying to the representative of Burkina Faso's statement of 28 October on the report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, in which she had affirmed that foreigners lived under difficult conditions in Côte d'Ivoire and had been compelled to leave the country abandoning all their assets, said that 26 percent of the population of Côte d'Ivoire were foreigners, including more than 3 million nationals of Burkina Faso, who lived in perfect harmony with the local population. Since the breakout of the serious crisis that the country was experiencing, some States had decided to repatriate those of their citizens who wished to leave the country. Accordingly, Burkina Faso, under an operation entitled "Homeland", had made transportation available to its citizens in Côte d'Ivoire. Côte d'Ivoire had never taken any decision to expel foreigners from its territory either in time of peace or in time of war. According to the statistics of the Ministry of the Interior of Burkina Faso itself, of the 110,000 persons who had decided to be repatriated to Burkina Faso under the above operation, 79,000 were back in Côte d'Ivoire within six months. Apparently, Côte d'Ivoire was not the foreigners' hell that it had been depicted as being.

54. The Special Rapporteur's heavy schedule had not yet allowed him to visit Côte d'Ivoire, although he had been invited there, but the Ivorian authorities were prepared to provide him all necessary assistance in his inquiry. He would be completely free to meet whom he pleased and go where he wanted in the Government-controlled area, for part of the territory was still held by the Forces Nouvelles (the former rebels). In view of the Special Rapporteur's well-known experience and honesty, it did not seem appropriate for any delegation to instruct him, as the representative of Burkina Faso had tried to do, on how to perform his United Nations mission. He should be allowed to work without any attempt to influence him.

55. While the authorities of the two countries were meeting regularly to iron out misunderstandings and as a result the borders had been reopened as Burkina Faso had insistently requested, Burkina Faso's statement constituted a deliberate provocation. Côte d'Ivoire was certainly aware of the difficulties faced by the national and foreign population in the face of war; and, turned resolutely toward the future, Côte d'Ivoire would not engage in polemics that could inhibit the peace and reconciliation process.

56. **Mr. Andrabi** (Pakistan) said that the Indian delegation, in the statement that it had just made, had not replied to the serious questions raised before the Committee concerning the precipitous deterioration of the situation of minorities in India. The speaker quoted a passage from a report by the "Human Rights Watch" organization ("Broken People. Caste Violence against India's 'Untouchables'") describing the system of castes in India as apartheid and exposing the particularly dramatic situation of the Dalits (Untouchables), who were treated as pariahs.

57. The Pakistani delegation concurred with the Indian delegation that the two countries were different. The proof was the creation of Pakistan in 1947. Contrary to India, which had disregarded international law and the United Nations Charter and resolutions by continuing to illegally occupy Jammu-and-Kashmir, Pakistan had always called for respecting the United Nations Charter and supported self-determination for the population of that State. At the political level, Pakistan combated extremist movements, systematically rejected by the electorate, while India was governed by "fascist" organizations (Bajrang Dal, Vishwa Hindu Parishad or World Hindu Council, Rashtriya Swayawsevak Sangh or National Volunteer Corps, and Shiv Sena). In that connection, the representative of Pakistan recalled the massacre of hundreds of Muslims orchestrated at Gujarat in early 2003 by the Bharatiya Janata Party (BJP) that governed that western Indian State. The fact that no suspect had

yet been prosecuted revealed the real face of the Indian democracy, which was comparable to a Nazi or fascist regime. Quoting again "Human Rights Watch", the representative of Pakistan appealed to the international community to exert pressure on the Indian Government to stop implementing divisive policies and to end the impunity surrounding organized violence campaigns.

58. **Mr. Luria** (Israel) regretted that some people characterized the Israeli-Palestinian conflict as racial, although it was of a territorial and political nature. The attempt of the Observer for Palestine and some of her supporters to characterize it as a racial conflict was dangerous and inaccurate. The Observer had blamed Israel for taking measures against the Palestinian population. Unfortunately, Palestinian suffering was due to the activity and inactivity of the Palestinian leaders. Every country had a duty to protect its citizens when their life was at risk. No country could tolerate a situation whereby its citizens were victims of terrorist acts on a daily basis. Israel was no exception. It respected the right of its neighbours, Palestinians and other Arab States, to self-determination and did not in any way wish to dominate the Palestinians, as the Camp David agreements of 1978 and the Oslo agreement attested. Israel supported the establishment of two States living side-by-side in peace and security in accordance with the roadmap, but stressed that the right of a people to self-determination should be exercised with respect for the others' right to self-determination. Historically, there had been peoples who had acceded to self-determination without recourse to terrorism or hatred. No State could accept that terrorists dictated its policy, in disregard for the accepted and approved negotiation procedures.

59. Replying to the observations of the Lebanese delegation, Israel recalled that, according to resolution 425 (1978) of the Security Council, it had withdrawn from the occupied Lebanese territories on 24 May 2000, as confirmed by the Secretary-General and the Security Council. Lebanon on the other hand had still not fulfilled the commitments made under the same resolution and exercised no effective authority in the region. In particular, it did not at all control Hezbollah, one of the cruellest international terrorist organizations, which continued to attack Israeli civilians from the other side of the border. After the Israeli withdrawal, the Hezbollah had carried on its activities in southern Lebanon, violating in particular the borders and abducting four Israelis, three soldiers and one civilian, who were still held prisoners in the Lebanese territory.

60. **Mr. Chedid** (Lebanon) stated that, as usual, the Israeli delegation tried to politicise the fundamental issue, which consisted of human-rights violations, racism and racial discrimination by Israel in the occupied territories on a daily basis. The statement by the representative of Israel concerning Israel's withdrawal from southern Lebanon in implementation of resolution 425 (1978) was incomplete: it failed to mention that it was Lebanese resistance that had compelled Israel to withdrawal. Israel still occupied some territories, such as the Kafr Shuba hills and Shebaa Farms areas. The representative of Lebanon therefore contested the validity of Israel's statement claiming that Israel had fully implemented resolution 425 (1978).

61. Regarding Hezbollah, Israel was endlessly repeating the same allegations. That party and the other Lebanese resistance parties carried out, on Lebanese territory, resistance that they considered legitimate until Israel's eventual withdrawal from the occupied territories.

62. Regarding the abduction of Israeli soldiers, the representative of Lebanon failed to understand why Israel raised the question, since that abduction took place in the occupied Lebanese territories of Shebaa. Israel's daily practices in the Occupied Palestinian Territories revealed the racial discrimination to which the Palestinian people were subjected and Lebanon categorically denied the statements made by the representative of Israel.

63. **Ms. Rasheed** (Observer for Palestine) protested, first and foremost, against the expression "contested territories" by which the representative of Israel had referred to the "occupied territories" and stressed that Israel's occupation was a fact. It involved 22 percent of the initial territory of Palestine and was completely contrary to peace, security and human rights. To the Palestinian population, it meant on a daily basis the destruction of homes and farms, the assassination of leaders and their supporters, the cold-blooded murder of children and innocent people, and deliberate humiliation at each control point. The Israeli occupation had also deformed the notion of security, applying that concept only to Israelis and depriving the Palestinians of any form of security – personal,

political, legal, territorial, historical, cultural, economic and human.

64. The Palestinian people had shown their good will by participating in the peace process in order to put an end to the occupation. That process had unfortunately been manipulated by Israel, which had used it to implement its policies of expansion, ethnic cleansing and colonization aimed at tightening Israel's grip on the Palestinian population and land, fragmenting them into islets to promote Israeli hegemony.

65. Regarding the roadmap formulated with a view to obtaining results toward a permanent settlement of the Israeli-Palestinian conflict on the basis of two States, the Israeli Government, contrary to what the representative of Israel had affirmed, had only accepted the roadmap's phases and, by entering 14 reservations, had in fact undermined the outcome. Contrariwise, the Palestinians had accepted the text without any reservations.

66. Regarding Israel's assertions about suicide attacks, the observer reiterated that the Palestinian leaders and the Palestinian Authority firmly condemned such acts. It was, however, Israeli policies and measures that had called forth that reprehensible phenomenon – not the inverse. By devastating three generations of Palestinians, wrecking the tissue of Palestinian society and causing the social ills currently afflicting the Palestinian population, Israel bore the real responsibility for it. Israel was an occupying power and, in that capacity, should not be permitted to carry out illegal policies and measures or to continue its occupation, colonization, expansion and peace-obstruction activities under the pretext of security.

The meeting rose at 11.55 a.m.